Henry Hultquist
Vice President
Federal Regulatory

AT&T Services, Inc.
1120 20th Street, NW
Suite 1000
Washington, DC 20036

T : 202.457.3821
F : 214.486.1592
henry.hultquist@att.com
att.com

February 23, 2018

Via Electronic Filing

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW – Lobby Level
Washington, DC 20554

Re: *Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment,* WT Docket No. 17-79

Dear Ms. Dortch:

AT&T is pleased with the Federal Communications Commission's continuing focus on removing regulatory barriers to wireless infrastructure investment. To meet sky rocketing consumer demand for fast, reliable broadband service, carriers must quickly and efficiently deploy wireless infrastructure without outdated and counterproductive regulations. The Commission's efforts in this docket to modernize National Environmental Policy Act ("NEPA") and National Historic Preservation Act ("NHPA") reviews of small cell facilities are an example of how the Commission can promote broadband build out and pave the way for the United States to become the world leader in 5G deployment. This letter and the attached presentation are filed in this docket in support of those Commission efforts.

Modernizing NEPA and NHPA regulations—originally designed for large macrocell towers—to eliminate review of small cell equipment and support structures that minimally impact the environment and to streamline processes when review is required, would reduce the time it takes to deploy small cell facilities, reduce the cost of deploying small cell facilities, and facilitate an increase in small cell investment. With each antenna comprising only about 3 cubic feet in volume, small cells indeed are unobtrusive and in harmony with the poles, street furniture, and other structures on which they are typically deployed. Moreover, the vast majority of small cell antennas are placed at a height of less than 60 feet on structures located near similarly sized structures in previously disturbed rights-of-way, greatly reducing the likelihood of adversely impacting the surrounding environment. Thus, small cell deployments have at worst minimal potential to disturb historic properties or tribal resources.

Yet, under existing processes, AT&T will spend millions needlessly conducting NEPA and NHPA review on thousands of small cell facilities. In fact, 17% of AT&T costs to deploy each small cell node are directed to NEPA and NHPA compliance, an astonishingly high

percentage. And, because small cell projects can include hundreds of nodes, compliance costs can rise into the millions for each project. In 2018, AT&T predicts combined NEPA and NHPA compliance costs of about $45 million, a figure that would likely increase in future years as small cell projects increase. These resources would otherwise be redirected to expand existing small cell projects over a larger geographic area or to add new small projects in other cities and towns. Simply put, NEPA and NHPA compliance costs have a direct effect on broadband deployment initiatives.

The tribal review process is a significant contributor to those costs. Standard fees charged by Tribal Nations have increased by 1400% in the Northeast and by 2500% in the Southeast in just the last 7 years. Many projects that implicate no tribal interests, such as collocations on existing structures, nevertheless generate significant tribal fees. For example, 36 tribes assessed AT&T $13,525 to review a collocation on a Marriott hotel in Hannepin, Minnesota, 13 tribes assessed $8,000 in fees to review a collocation on the Civic Center in Denver, Colorado and another $8,000 to review a collocation on a 10-story apartment building in the same city, and 14 tribes assessed $7,750 to review a collocation on the County Court House in Suak, Wisconsin. Partly as a result of these needless reviews, over the last three years AT&T has spent over $13 million in tribal fees and up to $8 million in one year alone. And, current regulations would allow tribal fees to rise exponentially for the placement of small cell poles and facilities due to the density of those build plans. For example, a 200-node project in Atlanta, Georgia generated $1.1 million in fees from 12 tribes (with no finding of adverse effect) and the initial 23 nodes of a project in Arkansas generated fees of $125,000 from 23 tribes (with tribal review ongoing). Based upon these and similar experiences from other small projects to date, AT&T expects to spend up to $29 million in tribal fees alone for small cells in 2018, equivalent to the cost of multiple 100+ node projects.

And, this is just the beginning. Two tribes recently stopped accepting batched applications. As a result, every node, even if on the same block in a right-of-way, requires a separate number in the Tower Construction Notification System ("TCNS") and thus, generates a separate fee, just as would a macrocell tower. Unnecessary NHPA reviews, and especially tribal reviews, which are consistently the longest part of any review, also significantly delay broadband deployment. CTIA and WIA have explained that tribal review takes, on average, about 110 days,[1] 80 days more than the presumptively reasonable 30-day response time contemplated by the Section 106 Nationwide Programmatic Agreement. Moreover, a 110-day average means that some tribes take much longer than 110 days to response. For example, some tribes routinely delay for 180 days before responding. Another tribe, evidently facing workforce shortages, currently responds only upon Commission escalation and even then, only to express its intention to eventually review the deployment at an unstated future date.

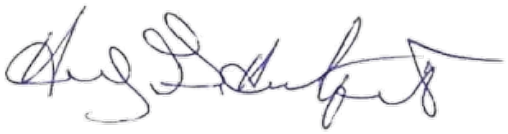
These examples, along with the abundant record in this docket, clearly justify reform of the tribal review process. The Commission can reform the process and accelerate broadband

[1] Joint Comments of CTIA and WIA, WT Docket No. 17-79 at 6 (filed June 15, 2017).

deployment by (1) excluding from NEPA and NHPA review the placement of small cell facilities (i.e., antennas up to 3 cubic feet in volume plus associated equipment) and poles installed at up to 60 feet in height that support those facilities, which would reduce deployment timelines by around 60-90 days, (2) clarifying that tribes do not act as a contractor or consultant (and are not owed fees) when performing their statutory duty of review in the NHPA process, (3) imposing a "shot clock" for completion of tribal review of a project; (4) requiring tribes to declare with specificity why contractor review is needed for any small cell project, even if disclosed solely to the Commission, and (5) performing other streamlining efforts supported by the record. These steps would allow AT&T (and other wireless providers) to focus on small cell deployment and redirect a significant portion of the $45+ million in expected annual NEPA and NHPA compliance costs over the next few years to expanded broadband build-out.

Pursuant to Section 1.1206 of the Commission's rules, an electronic copy of this letter is being filed for inclusion in this docket.

Sincerely,



Henry G. Hultquist

CC:
Will Adams

What is a Small Cell?

February 23, 2018

Regulatory Treatment

NEPA/NHPA Exclusion

- New or replacement poles up to 60 feet AGL installed to support wireless facilities and other existing structures increased in height up to 10 feet.
- Alternatively, new poles up to 60 feet AGL and replacement poles and other existing structures increased in height by greater of 10% or 5 feet.

Small Cell Definition

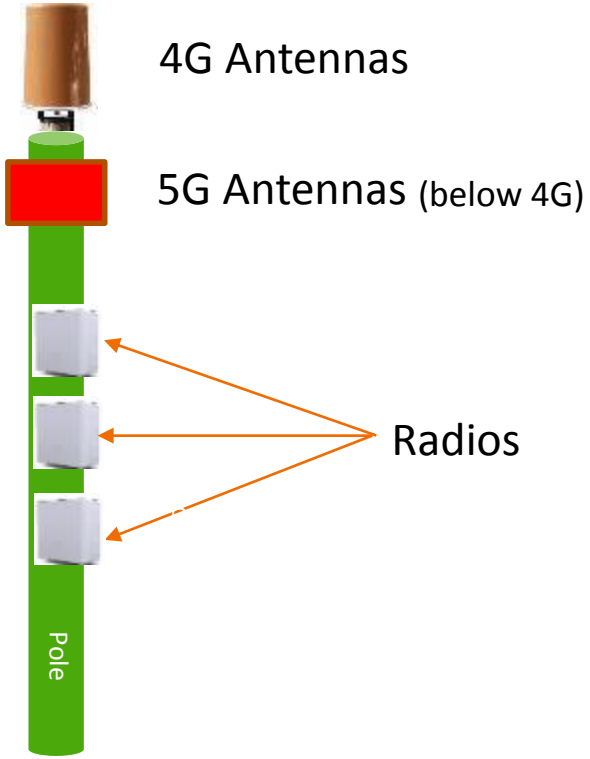
A wireless facility where each antenna, excluding associated equipment, comprises no more than three cubic feet in volume.

Small Cell Antennas

Typical Urban Deployment

4G Antennas: ≈3 ft^3/ea

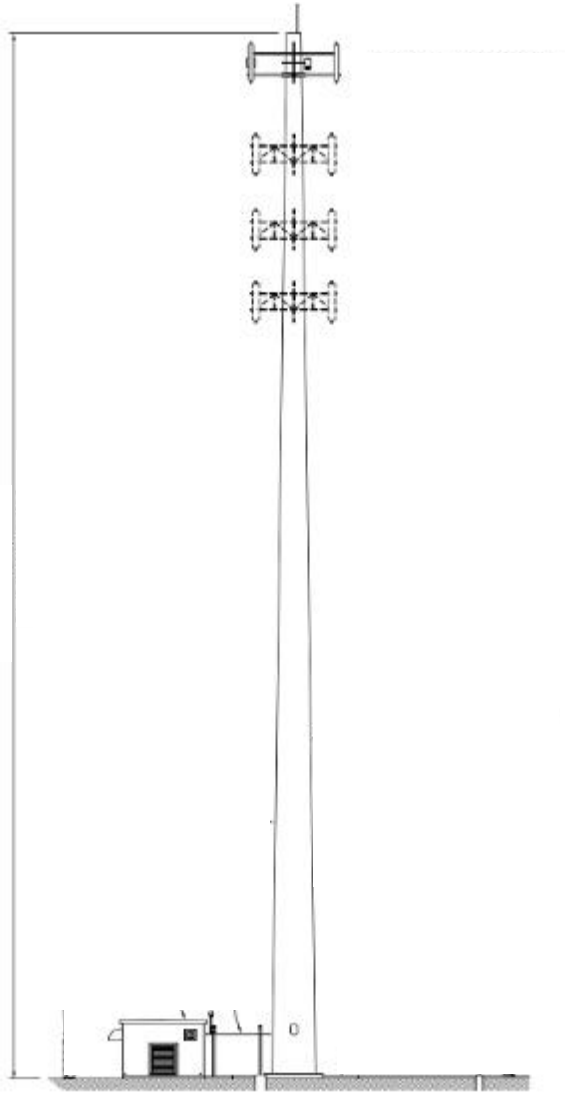
5G Antennas: <3 ft^3/ea



Comparisons- Macro cell vs. 30’ & 60’ Small Cell
(approximately scaled)

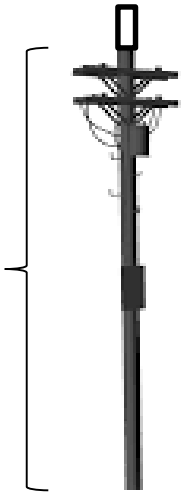
Macro Cell Height- 70’ - 300’

150’



Small Cell Height - 60’

60’



Small Cell Height - 30’

30’

Small Cell Examples

Boston

Dallas

Small Cell Examples

Los Angeles

Atlanta

Small Cell Examples

Baltimore (Crown)

Indianapolis

Small Cell Examples

Indianapolis

New York City

Small Cell Examples

San Francisco

New Jersey Shore (Bldg Side)